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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,549	11/13/2000	Hrair Aldermeshian	1999-0795	7147

7590 02/06/2004
AT&T IP Law Group
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EXAMINER

DUONG, DUC T

ART UNIT PAPER NUMBER

2663

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,549

Applicant(s)

ALDERMESHIAN ET AL.

Examiner

Duc T. Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the group" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-4 and 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Chase et al (U.S. Patent 6,081,524).

Regarding to claim 1, Chase discloses a method of transmitting data across network (Fig. 9) comprising the step of receiving a plurality of Internet Protocol packets each of which contains data and priority information at a first router (col. 8 lines 38-66); encapsulating the data contained in the Internet Protocol packets into frame relay frames containing the priority information (col. 6 lines 65-67); transmitting the frame relay frames from the first router to a frame relay network in a manner determined by the priority information included in the frame relay frames (col. 7 lines 1-7); and transmitting the frame relay frames across a frame relay network to a second router in a manner determined by the priority information included in the frame relay frames (col. 8 lines 13-32).

Regarding to claims 2 and 8, Chase discloses transmitting the frame relay frames over more than one permanent virtual circuit (col. 4 lines 7-15).

Regarding to claim 3, Chase discloses more than one permanent virtual circuits is used to transmit frame relay frames having predetermined priority information (col. 9 lines 36-52).

Regarding to claim 4, Chase discloses each permanent virtual circuit is used to transmit frame relay frames having predetermined priority information when a congestion condition exists (col. 13 lines 35-52 and col. 14 lines 37-59).

Regarding to claim 7, chase discloses receiving the frame relay frame at a frame egress switch (col. 10 lines 11-16) and transmitting the frame relay frames from the

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frame relay egress switch to the second router over more than one permanent virtual circuit (col. 10 lines 16-26).

Regarding to claim 9, Chase discloses the frame relay frames are transmitted from the frame relay switch to the second router in a manner determined by priority information included in the headers (DLCI) of the frames (col. 10 lines 7-10).

Regarding to claim 10, Chase discloses the priority information of each Internet Protocol packet arriving at the first router is located in a header of each Internet Protocol packet (col. 8 lines 47-66).

Regarding to claim 11, Chase discloses the priority information of each Internet Protocol packet arriving at the first router is a function of an address of each Internet Protocol packet (col. 7 lines 63-67 and col. 8 lines 1-12).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase in view of Shirai et al (U.S. Patent 5,734,654).

Regarding to claim 5, Chase discloses all the limitation with respect to claim 1, except for at least one circuit designated to carry frames containing critical information and at least one circuit designated to carry frames containing non-critical information. However, Shirai discloses a frame relay switching apparatus comprising circuit uses to

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carry frame having different priority levels (critical and non-critical information), see Fig. 5B col. 5 lines 47-60). Thus, it would have been obvious to one of skilled in the art to includes circuit to carry frame of different priority levels as taught by Shirai to assured frames are to be transferred at the committed information rate CIR.

7. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase in view of Baroudi (U.S. Patent 6,487,217 B1).

Regarding to claim 6, Chase discloses all the limitation with respect to claim 1, including transmitting the Internet Protocol packets from the second router toward a destination location in a manner determined by the priority information included in the Internet Protocol packets (Fig. 12 col. 10 lines 26-30). However, Chase fails to teach for converting the frame relay frames arriving at the second router into Internet Protocol packets having the priority information.

Baroudi discloses a method for transmitting IP over frame relay comprising reassembled frame relay frames into original IP packet (col. 6 lines 3-5).

Thus, it would have been obvious to one of skilled in the art to include the step of reassembling the frame relay frame into IP packet as taught by Baroudi in Chase's system for transmission of delay sensitive information such as voice.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shirai in view of Matsuo (U.S. Patent 6,331,980 B1).

Regarding to claim 12, Shirai discloses a computer network comprising a first router 20A that receives packets containing data and priority information (Fig. 5 col. 5 lines 30-34); a frame relay switch 10A containing a frame relay egress switch (Fig. 5 col.

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5 lines 30-34); a plurality of permanent virtual circuits (col. 6 lines 27-31) coupled between the first router and the frame relay egress that is used to carry frames (Fig. 5A col. 5 lines 47-55); a second router 20B (Fig. 5); a plurality of permanent virtual circuits (col. 6 lines 27-31) coupled between the frame relay egress and the second router that is used to carry frames (Fig. 5A col. 5 lines 47-55).

Shirai fails to teach each PVC having priority information corresponding to various level of priority.

However, Matsuo discloses an ISDN communication network with permanent virtual circuit PVC carrying different priority class (Fig. 2 col. 1 lines 26-52).

Thus, it would have been obvious to one skilled in the art to include the PVC as taught by Matsuo for transmission of priority information between two kinds of networks having different protocols.

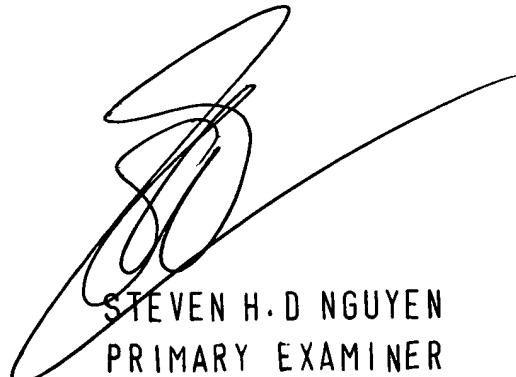
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD



STEVEN H. D. NGUYEN
PRIMARY EXAMINER